

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF )  
INTELEPEER, INC. FOR A CERTIFICATE OF )  
AUTHORITY TO PROVIDE INTEREXCHANGE )  
TELECOMMUNICATIONS SERVICES AND )  
LOCAL EXCHANGE SERVICES IN SOUTH )  
DAKOTA )**

**ORDER GRANTING  
CERTIFICATE OF  
AUTHORITY**

**TC10-001**

On January 8, 2010, IntelPeer, Inc. (IntelPeer) filed an application to provide facilities-based and resold interexchange services and local exchange services to business and residential customers. Initially, IntelPeer intends to provide local exchange service in areas served by Qwest and does not plan to provide service in areas of any small or rural local exchange carriers; however, IntelPeer, Inc. seeks statewide authority so that it may expand into other service areas as market conditions warrant and as additional service areas become open to competition. On January 28, 2010, the Commission received a Petition to Intervene from South Dakota Telecommunications Association (SDTA).

At the February 9, 2010, meeting, the Commission considered IntelPeer's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that IntelPeer not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:32:03. The Commission finds that IntelPeer has met the legal requirements established for the granting of a certificate of authority. IntelPeer has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota.

The Commission approves IntelPeer's application for a certificate of authority subject to the condition that IntelPeer not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards. The certificate of authority for IntelPeer shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should IntelPeer choose to provide local exchange services statewide, with respect to rural telephone companies, IntelPeer will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that IntelPeer's application for a certificate of authority to provide interexchange telecommunications services and local exchange services is granted, subject to the condition that IntelPeer not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments without prior approval of the Commission, and subject to rural safeguards. It is

FURTHER ORDERED, that this certificate of authority authorizes IntelPeer to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company. It is

FURTHER ORDERED, that this order constitutes IntelPeer's certificate of authority as described above.

Dated at Pierre, South Dakota, this 12<sup>th</sup> day of February, 2010.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.

By: 

Date: 02/12/10

(OFFICIAL SEAL)

**BY ORDER OF THE COMMISSION:**

  
DUSTIN M. JOHNSON, Chairman

  
STEVE KOLBECK, Commissioner

  
GARY HANSON, Commissioner